

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Michael Fantuzzi

Application No. 10/674,268

Filed: September 29, 2003

For: SOLUBILIZED CoQ-10

Examiner: KOSSON, Rosanne

Art Unit: 1652

Confirmation No. 3101

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§1.97(d), 1.97(e)(2), 1.98 and 1.17(p)**

Mail Stop APPEAL
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner is requested to consider the references noted on the enclosed Form PTO/SB/08A and B during examination of the above-identified patent application. These references are submitted for the Examiner's consideration and are submitted pursuant to the duty of disclosure under 37 C.F.R. § 1.56. In submitting these references, no representation is made or implied that the references are or are not material to the examination of the application. The Examiner is requested to review the cited references and is encouraged to make his or her own determination of materiality of the references cited on the enclosed Form PTO/SB/08A and B. Pursuant to the requirements of 37 C.F.R. § 1.98(a)(2)(ii), only copies of the foreign references and non-patent literature documents are provided. Copies of the U.S. patent and U.S. patent application publication references are not provided, unless required by the Office.

Applicant directs the Examiner's attention to *McKesson Information Solutions, Inc. v. Bridge Medical, Inc.*, 487 F.3d 897, in which the Federal Circuit Court held that inequitable conduct existed on behalf of applicant for failure to disclose "items of information during prosecution . . . of copending applications." Out of an abundance of caution, Applicant has cited on the enclosed Form PTO/SB/08A and B prosecution documents of applications related to the above-referenced application.

Statement Under 37 C.F.R. § 1.97(e)(2)

The undersigned hereby certifies that no item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contain in this Supplemental Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Supplemental Information Disclosure Statement.

This Supplemental Information Disclosure Statement is being filed under 37 C.F.R. § 1.97(d) after the mailing date of a final office action but before the payment of the issue fee. As such, this Supplemental Information Disclosure Statement requires a statement under 37 C.F.R. § 1.97 (e)(2) and the fee of \$180.00 pursuant to 37 C.F.R. § 1.17(p). Please charge \$180.00 to Deposit Account no. 04-1415 for the Information Disclosure Statement fee. The Applicant believes no further fees or petitions are required. However, if any such petitions or fees are necessary, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 accordingly.

If the Examiner has any questions, please contact the undersigned attorney.

Signed this 18 day of May, 2010.

Respectfully submitted,



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